

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 11:00 A.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Brad Hill, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Shandra Santana, Deputy Clerk.

F051132 Jo Ann S., v. Fresno Co Dept of Children & Family Services
Cause called and argued by Jo Ann S., petitioner in propria persona and by William G. Smith, Deputy County Counsel, counsel for respondent.

Cause ordered submitted.

Court recessed until Tuesday, November 21, 2006 at 11:00 A.M.

IN THE

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F048593 People v. Deaton

The judgment is reversed and the matter remanded for the trial court to conduct a postconviction Marsden hearing pursuant to *People v. Smith*, supra, 6 Cal.4th 684, as discussed ante. If the court grants the Marsden motion, a new trial motion is filed, and the new trial motion is granted, appellant shall receive a new trial. If the court denies the Marsden motion, or a new trial motion is not filed, or a new trial motion is filed and denied, the court shall reinstate the judgment. Harris, Acting P.J.

We concur: Wiseman, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F046299 People v. Canning

The judgment is affirmed. Harris, Acting P.J.

We concur: Hill, J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F049798 In re S.B., a Minor

The appeal in this matter is treated as a petition for writ of mandate. The petition is denied. Hill, J.

We concur: Harris, Acting P.J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F050125 People v. Morse

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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- F050125 People v. Morse**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F050647 Medina v. WCAB et al.**
The petition for writ of review is denied.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F050049 In re Henry L., a Minor**
The above-entitled case is submitted for decision.
- F050049 In re Henry L., a Minor**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F050073 In re Bridgette S., a Minor**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE

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F050073 In re Bridgette S., a Minor

The order terminating parental rights is reversed and the matter is remanded to the trial court. The trial court is hereby directed to assure that the agency gives notice of the underlying proceedings and any upcoming hearing(s) in compliance with ICWA to the parties, the BIA and any identified tribes. (25 U.S.C. 1913.) Respondent shall document its efforts to provide such notice by filing such documentation and any and all responses received with the trial court. (See *In re H.A.*, supra, 103 Cal.App.4th at pp. 1214-1215.) If the BIA or any tribe responds by confirming that the child is or may be eligible for membership within 60 days of sending proper notice under the ICWA to the BIA and any identified tribes (CA. Rules of Court, rule 1439(f)(6)), the court shall proceed pursuant to the terms of the ICWA and is hereby authorized to vacate, in whole or in part, any prior finding or order which is inconsistent with ICWA requirements. If there is no confirmation that the child is or may be eligible for Indian tribal membership, the court shall reenter its order terminating parental rights.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F050102 In re Michael D., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

F050102 In re Michael D., a Minor

The order terminating parental rights is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F051572 Flores et al v. Kharazi et al.

Appellant (Connie Flores) having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F050924 Lithia Motors Support Services et al. v. W.C.A.B. and Locke

The petition for writ of review, filed June 26, 2006 is denied. Locke's request for attorney fees is granted; the matter is remanded to the WCAB to issue a supplemental award for the services rendered in connection with answering the petition for writ of review under section 5801. This opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F050442 Wooster v. Conway

No brief having been filed by appellant after notice duly given under rule 17(a)(1) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.